

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

ROGER COOPER, II, et al.,

Plaintiffs,

v.

CIVIL ACTION NO. 2:09-cv-00489

TROOPER WELLMAN, et al.,

Defendants.

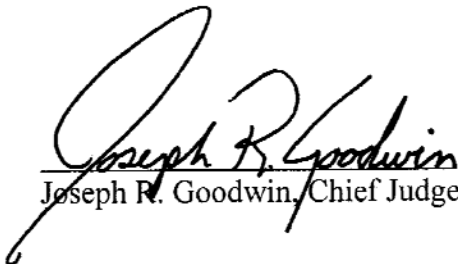
MEMORANDUM OPINION AND ORDER

This case was referred to the Honorable Mary E. Stanley, United States Magistrate Judge. On December 23, 2009, Judge Stanley entered Proposed Findings and Recommendation ("PF&R") that this case be dismissed without prejudice for failure to prosecute. The plaintiffs had until January 8, 2010, to file objections to the PF&R. No objections were filed.

The failure to object to a magistrate judge's report may be deemed a waiver on appeal of the substance of the report, and the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation. *See Camby v. Davis*, 718 F.2d 198, 200 (4th Cir. 1983). Accordingly, the court adopts the PF&R and **DISMISSES** this action without prejudice. This dismissal shall not operate as an adjudication on the merits.

The court **DIRECTS** the Clerk to send a copy of this Order to Judge Stanley, counsel of record, and any unrepresented party.

ENTER: January 28, 2010


Joseph R. Goodwin, Chief Judge